

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

9:00 AM

2:00-000000

Chapter

- #1.00** Hearings in Judge Bason's courtroom (1545) are simultaneously:
- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
 - (2) via ZoomGov video, and
 - (3) via ZoomGov telephone.
- You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 503 6637

Password: 066311

Meeting URL: <https://cacb.zoomgov.com/j/1605036637>

Telephone: +1 669-254-5252 or +1 646-828-7666 or 833-568-8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Members of the public, including the press, are always welcome in person (except in rare instances when the courtroom is sealed) and they may also listen via telephone to non-evidentiary hearings, but must not view any hearings via video (per mandate of the AO).

Any audio or video recording is strictly prohibited. Official recordings are available for a small fee through the Clerk's Office.

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so);

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

9:00 AM

CONT...

Chapter

(c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name, uses the wrong pronoun, etc.

NOTE: For purposes of the deadline to notify opposing counsel/parties of an intent to contest tentative rulings (1/2 the time between the time of posting and the hearing time), all Tentative Rulings except for Calendar Nos. 1–5 on the 2:00 p.m. calendar (*In re Law Offices of Brian Witzer*) were first posted shortly before: 1:44 p.m. on 1/5/24.

The *Law Offices of Brian Witzer* tentative rulings were posted at the time noted on the automatic time stamp below.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

2:19-14235 Annie Padilla Demak and Steven Keith Demak

Chapter 13

#1.00 Hrg re: Motion for relief from stay [PP]

FORD MOTORE CREDIT COMPANY, LLC
vs
DEBTOR

Docket 145

***** VACATED *** REASON: APO**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Annie Padilla Demak

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Steven Keith Demak

Represented By
Jeffrey J Hagen

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

2:23-12287 Chongkai Wang and Li Zhang

Chapter 7

#2.00 Hrg re: Motion for relief from stay [PP]

AMERICREDIT FINANCIAL SERVICES, INC.
vs
DEBTOR

Docket 40

Tentative Ruling:

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a)

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

CONT... **Chongkai Wang and Li Zhang**
(3).

Chapter 7

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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| Party Information |
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Debtor(s):

Chongkai Wang

Represented By
Jonathan J. Lo

Joint Debtor(s):

Li Zhang

Represented By
Jonathan J. Lo

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

2:21-16503 Daniel Christopher Bravo and Michele Marie Bravo

Chapter 13

#3.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 11/14/23

ALLIED FIRST BANK, SB dba Servbank
vs
DEBTOR

Docket 62

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see Debtor's response, dkt. 64).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

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| Party Information |
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Debtor(s):

Daniel Christopher Bravo

Represented By
Steven A Alpert

Joint Debtor(s):

Michele Marie Bravo

Represented By
Steven A Alpert

Movant(s):

Allied First Bank, SB dba Servbank

Represented By
Kirsten Martinez

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

CONT... Daniel Christopher Bravo and Michele Marie Bravo

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

2:23-17755 Orbra Olivea Shobe

Chapter 13

#4.00 Hrg re: Motion for relief from stay [RP]

WOOSHIES, INC.
vs
DEBTOR

Docket 18

Tentative Ruling:

Grant as set forth below.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a)

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

10:00 AM

CONT... **Orbra Olivea Shobe**
(3) for lack of sufficient cause shown.

Chapter 13

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

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| Party Information |
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Debtor(s):

Orbra Olivea Shobe

Pro Se

Movant(s):

Wooshies, Inc.

Represented By
Lior Katz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

11:00 AM

2:23-17735 Jose Antonio Morales Garcia and Jova Morales

Chapter 7

#1.00 Hrg re: Motion by United States Trustee
to dismiss case with a re-filing bar

Docket 10

Tentative Ruling:

Grant.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): N/A (no opposition on file as of the preparation of this tentative ruling)

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| Party Information |
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Debtor(s):

Jose Antonio Morales Garcia

Pro Se

Joint Debtor(s):

Jova Morales

Pro Se

Movant(s):

United States Trustee (LA)

Represented By
Dare Law

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

11:00 AM

CONT... Jose Antonio Morales Garcia and Jova Morales

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

11:00 AM

2:20-19018 Dedra M Chachere-Hunt

Chapter 7

Adv#: 2:21-01253 Pringle v. Chachere-Hunt et al

#2.00 Cont'd Status Conference re: Complaint for (1) Declaratory Relief [28 U.S.C. Section 2201(a), FRBP 7001(9)]; (2) Avoidance of Fraudulent Transfer, Continuous Fraud [11 U.S.C. Section 541]; (3) Turnover and Accounting of Estate Property [11 U.S.C. Section 542]; (4) Avoidance of Fraudulent Transfer, Continuous Fraud; (5) Recovery of Avoided Transfers [11 USC Section 550]; and (6) Authorization of Sale of Property [11 U.S.C. Section 363] fr. 3/1/22, 4/12/22, 4/26/22, 5/31/22, 8/23/22, 10/11/22, 12/6/22, 2/7/23, 04/18/23, 04/25/23, 5/16/23, 6/27/23, 7/11/23, 7/19/23, 8/8/23, 9/12/23, 10/31/23

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue to 3/5/24 at 11:00 a.m. based on the parties' representation that they are engaging in settlement discussions (adv. dkt. 86, p. 3, para. 5). Appearances are not required on 1/2/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED]

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| Party Information |
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Debtor(s):

Dedra M Chachere-Hunt

Represented By
Kahlil J McAlpin

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

11:00 AM

CONT... Dedra M Chachere-Hunt

Chapter 7

Defendant(s):

Dedra M. Chachere-Hunt

Represented By
Kahlil J McAlpin

Robert B. Hunt

Represented By
Kahlil J McAlpin

Candice Hunt

Represented By
Kahlil J McAlpin

Amber Hunt

Represented By
Kahlil J McAlpin

Robert Stevenson Hunt

Represented By
Kahlil J McAlpin

Plaintiff(s):

John P. Pringle

Represented By
Michelle A Marchisotto

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-17999 Crown Jewel Properties, LLC

Chapter 11

#1.00 Status conference re: Chapter 11 case

Docket 1

Tentative Ruling:

Appearances required by counsel for Debtor and by Debtor's principal.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

(1) Current issues

(a) Request in Status Report (dkt. 28 at PDF p. 14:18-22), and in Declaration of J. Eleopoulos (dkt. 29), to be excused from budget and affiliate reporting requirements

The tentative ruling is to excuse Debtor from having to file a budget motion and from affiliate reporting requirements that this Court normally imposes sua sponte, for the reasons stated by Debtor (dkt. 29).

Proposed order: Unless otherwise ordered, Debtor is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(2) Dates/procedures. This case was filed on 12/1/23 (Debtor's prior bankruptcy case, no. 2:21-bk-17872-NB, was dismissed pursuant to a structured dismissal/refinance on 5/27/22).

(a) Bar date: 3/12/24 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Procedures Order: dkt. 4 (timely served, dkt. 8)

(c) Plan/Disclosure Statement: file by 4/12/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 2/20/24 at 1:00 p.m. No written status report is required.

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| Party Information |
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**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Crown Jewel Properties, LLC

Chapter 11

Debtor(s):

Crown Jewel Properties, LLC

Represented By
Douglas M Neistat
Jeremy H Rothstein

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-14986 ASE Construction, Inc.

Chapter 11

#2.00 Hrg re: Motion for relief from stay [RP]

VELOCITY COMMERCIAL CAPITAL, LLC
vs
DEBTOR

Docket 109

Tentative Ruling:

Please see the tentative ruling for the Status Conference (calendar no. 3, 1/9/24 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

ASE Construction, Inc.

Represented By
Anthony Obehi Egbase

Movant(s):

Velocity Commercial Capital, LLC

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-14986 ASE Construction, Inc.

Chapter 11

#3.00 Cont'd status conference re: Chapter 11 case
fr. 9/12/23, 9/19/23, 10/3/23, 10/17/23, 10/31/23,
12/19/23, 1/2/24

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue all matters as set forth below. Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for relief from the automatic stay (dkt. 109 & 110, "R/S Motion") of Velocity Commercial Capital, LLC ("Movant"), Debtor's opposition (dkt. 115), Movant's reply (dkt. 117)

The tentative ruling is to continue this matter to be concurrent with the continued status conference (see Section (2)(d) below) because Movant's proofs of service (dkt. 109, pp. 12-13 & 110, p. 64) do not reflect service of the motion papers on the creditors included on the list filed pursuant to Rule 1007(d) (Fed. R. Bankr. P.) (commonly referred to as the "Twenty Largest" unsecured creditors). The tentative ruling is that this Court has neither the authority nor the inclination to excuse non-compliance with these rules.

This Court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) **but that date is conditioned on the movant, no later than 1/10/24, (i) serving the motion papers and notice of the continued hearing date, and (ii) filing that notice and a proof of service. Alternatively, Movant may self-calendar a continued hearing on**

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

**CONT... ASE Construction, Inc.
*regular notice.***

Chapter 11

- (2) Dates/procedures. This case was filed on 8/3/23.
- (a) Bar date: 12/5/23 (dkt. 38) (timely served, dkt. 39)
 - (b) Procedures Order: dkt. 6 (timely served, dkt. 9)
 - (c) Plan/Disclosure Statement: file by 1/9/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
 - (d) Continued status conference: 1/23/24 at 1:00 p.m. No written status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

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| Party Information |
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Debtor(s):

ASE Construction, Inc.

Represented By
Anthony Obehi Egbase

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-16232 9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

#4.00 Cont'd status conference re: Chapter 11 case
fr. 10/31/23, 11/28/23

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue as set forth below. Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

(1) Current issues

(a) Plan (dkt. 60) and Disclosure Statement ("D/S," dkt. 61)

The tentative ruling is that it would be premature to serve the Plan and D/S until Debtor has filed an application to employ a real estate broker, and possibly until Debtor has a proposed sale in hand that could be approved via confirmation of an amended Plan (that would specify the details of the proposed sale, and the proposed distributions). In addition, it appears that Debtor is in negotiations with the lienholders and the holder of an alleged easement and that, until those negotiations and/or litigation are completed, it might be premature to proceed with balloting on any proposed chapter 11 plan.

For all of these reasons, the tentative ruling is not to authorize Debtor to serve the Plan and D/S, and not to set any deadline at this time for filing any amended Plan and D/S. The tentative ruling is that these things can be addressed at a future status conference.

(2) Dates/procedures. This case was filed on 9/25/23.

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

9301 Cherokee Lane, LLC, a Delaware Limited Liabil

Chapter 11

(a) Bar date: 12/8/23 (dkt. 40) (timely served, dkt. 42)

(b) Procedures Order: dkt. 4 (timely served, dkt. 10)

(c) Plan/Disclosure Statement (dkt. 60, 61): timely filed on 12/22/23

(DO NOT SERVE - except on the U.S. Trustee). See
Procedures Order.

(d) Continued status conference: 3/5/24 at 1:00 p.m. No written status
report is required.

[PRIOR TENTATIVE RULINGS OMITTED]

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| Party Information |
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Debtor(s):

9301 Cherokee Lane, LLC, a

Represented By

Alexandre I Cornelius

Marc A Lieberman

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-10384 Joseph Youshaei

Chapter 11

#5.00 Cont'd Status Conference re: Chapter 11 Case
fr. 2/21/23, 3/21/23, 4/25/23, 5/30/23, 6/13/23,
8/8/23, 10/3/23, 11/28/23, 12/19/23

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue as set forth below, based on this Court's review of the latest status report (dkt. 147) and the other filed documents and records in this case. Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Dates/procedures. This case was filed on 1/24/23. On 6/2/23 this Court entered an order removing Debtor from possession and expanding the Subchapter V Trustee's powers. See dkt. 86.

(a) Bar date: 4/4/23 per General Order 20-01 (70 days after petition date in Subchapter V cases) (DO NOT SERVE any notice: one has already been sent, see dkt. 12).

(b) Procedures Order: dkt. 6 (timely served, dkt. 10)

(c) AmPlan/Disclosure Statement: TBD

(d) Continued status conference: 2/20/24 at 1:00 p.m. No written status report required. This Court anticipates waiving appearances at the continued status conference and setting a further continued status conference for a later date unless this

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

Joseph Youshaei

Chapter 11

Court is made aware of any issues that need to be addressed
on the 2/20/24 hearing date.

[PRIOR TENTATIVE RULINGS OMITTED]

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| Party Information |
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Debtor(s):

Joseph Youshaei

Represented By
Stella A Havkin

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-15752 Elite Investment Management Group, LLC

Chapter 11

#6.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 12/19/23

ARCPE HOLDINGS, LLC
vs
DEBTOR

Docket 48

Tentative Ruling:

Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 7, 1/9/24 at 1:00 p.m.).

Tentative Ruling for 12/19/23:

Please see the tentative ruling for the status conference (Calendar No. 5, 12/19/23 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Elite Investment Management

Represented By
John N Tedford IV
Zev Shechtman
Aaron E. DE Leest

Movant(s):

ARCPE Holding, LLC

Represented By
Nichole Glowin

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-15752 Elite Investment Management Group, LLC

Chapter 11

#6.10 Hrg re: Application for 2004 examination
and production of documents

Docket 83

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
1/9/24 at 1:00 p.m.).

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| Party Information |
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Debtor(s):

Elite Investment Management

Represented By
John N Tedford IV
Zev Shechtman
Aaron E. DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-15752 Elite Investment Management Group, LLC

Chapter 11

#7.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/3/23, 10/17/23, 11/28/23, 12/5/23, 12/19/23

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for relief from the automatic stay (dkt. 48, "R/S Motion") of ARCPE Holding, LLC ("Movant"), Stipulation & order (dkt. 55, 57) extending Debtor and Creditor's response deadlines, Debtor's opposition (dkt. 58) & evidentiary objections (dkt. 59), Late-filed opposition of 932 Irolo, LLC ("Co-Owner") (dkt. 60) & evidentiary objections (dkt. 61), Movant's reply (dkt. 74)

This Court tentative ruling for 12/19/23 (reproduced below) was adopted at that hearing, except that the continued hearing date was set for today instead of the longer period in that tentative ruling. Under that adopted tentative ruling, Movant was directed to lodge a proposed APO no later than seven days after the hearing, with a copy of that tentative ruling attached. This would memorialize this Court's ruling and reasoning. But no such APO has been lodged. Why not?

As for whether to grant any additional relief, or to continue the hearing again, or any other disposition, there is no tentative ruling. Debtor's counsel is directed to describe all sale, refinance, and/or plan progress (if any) that has taken place since the last hearing in this matter.

(b) Application of Meir Siboni for Rule 2004 Exam ("2004 App." dkt. 83); Debtor's Opposition (dkt. 86); Mr. Siboni's Reply (dkt. 87); Order setting

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Elite Investment Management Group, LLC
hearing (dkt. 88)

Chapter 11

The tentative ruling is not to order any oral examination of Frank Menlo or Jonathan Menlo at this time. Instead, the tentative ruling is to order document production - on a schedule that will not interfere with Debtor's efforts to sell its real property and otherwise prosecute this bankruptcy case - and deny the application for any oral examination without prejudice.

(i) No oral examination at this time

This Court's reasons are as follows. First, as Debtor points out, it is the one who gets to designate its own "person most knowledgeable" ("PMK") on the relevant topics, so Mr. Siboni could not properly designate whom it will designate to examine. Second, this Court's understanding is that, under the applicable rules, non-parties who are not designated as PMK's typically can only be deposed using the procedures for obtaining a subpoena. Third, the 2004 App. is vague about the topics of examination. Fourth, there does not appear to be any urgency (for purposes of this bankruptcy case) in conducting any examination. Fifth, although there are legitimate reasons to inquire into Debtor's financial and business records, including its past transactions, the 2004 App. should not be used as an "end run" around discovery in the pending action entitled *Siboni v. Menlo, et al.* (Los Angeles Superior Court case no. 23STCV27250) (the "State Court Case").

In future, after the document production, Mr. Siboni could file and serve another application for a Rule 2004 examination directing Debtor to produce its person(s) most knowledgeable regarding more specific topics that are within the proper scope of an examination under Rule 2004 (Fed. R. Bankr. P.). Accordingly, the tentative ruling is to deny the 2004 App. as to any oral examination at this time, without prejudice to filing and serving another 2004 App. after the document production.

(ii) Document production

Tracking the numbering in the document requests in the 2004 App. (dkt. 83, p. 6), the tentative ruling is to direct Debtor, **no later than 2/29/24**, to produce the following documents from 12/19/21 to present:

1. Debtor's own bank statements;
2. Debtor's own credit card statements;
3. [no documents regarding "Go Green" because this request is overbroad and has not been shown to be within the scope of a proper examination under Rule 2004, Fed. R. Bankr. P.; and alternatively because this request appears to be an

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

Elite Investment Management Group, LLC

Chapter 11

attempted "end run" around discovery in the State Court Case)];

4. Debtor's own closing statements for properties it bought or sold;
5. Debtor's own loan documents for properties in which Debtor has asserted an interest;
6. Debtor's own tax returns and K-1 statements for (a) itself, (b) any entity in which Debtor had any interest,* and (c) possibly Americal Realty LLC (see SOFA, dkt. 18, PDF p. 24, line 25.1) (the nature of Debtor's relationship with that entity is unclear)*;

**Note 1:* This Court is troubled by certain statements by Debtor that might indicate an initial failure to provide appropriate disclosures. True, Debtor has affirmatively represented that it does not own any *current* interests in any entities (in its bankruptcy Schedule A/B, dkt. 18 at PDF pp. 5-8, *and* dkt. 29), and in addition Debtor does not list certain types of *transfers* that must be disclosed within 90 days and 1 year prepetition. See dkt. 18 & 29. But Debtor also includes in its initial SOFA a purported disclaimer that it is continuing to review its records and "intends to file an amended SOFA with this information, if any" (dkt. 18 at PDF p. 20 and passim, emphasis added). This purported disclaimer appears to be, in effect, an improper attempt to grant itself an open-ended extension of time to file a complete and accurate SOFA. Cf. dkt. 29 (amended Schedules and SOFA, as of 10/10/23, without the purported disclaimer). Debtor is cautioned that, if it turns out that any information was omitted or that its use of its purported disclaimer caused any harm, such acts and omissions might well result in sanctions. Debtor is cautioned not to include any similar purported disclaimers in any other documents filed with this Court.

7. Copies of Debtor's own draw requests from construction lenders;

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

Elite Investment Management Group, LLC

Chapter 11

8. A copy of Debtor's "QuickBook" files;
9. [No copies of the requested communications (for same reasons listed re #3 above)];
10. [Same]
11. [Same]
12. Any operating agreement for Debtor, and any contract signed by Mr. Siboni and Frank Menlo regarding Debtor;
13. All communications or agreements relating to investments in Debtor;
14. [No documents within the scope of this request, which seeks all documents "related to Debtor and [various] Real Properties" (for same reasons listed re #3 above)].

Note 2: The chambers of Judge Bason are in communication with the chambers of Judge Zurzolo regarding whether the chapter 13 case of Mr. Siboni (Case No. 2:23-bk-18208-VZ) should be reassigned to Judge Bason because, as Mr. Siboni acknowledges (id., dkt. 1, p. 3, question 10), he is an affiliate of Debtor in this case.

Note 3: Counsel for Mr. Siboni is cautioned about (i) poorly phrased document requests and (ii) factual inaccuracies (see dkt. 86, p. 11:14-16) (large misstatement related to duration of "meet and confer" opportunity). These things at a minimum waste time for parties and this Court attempting to sort out what is being requested and the factual basis for such requests. In addition, these things risk causing more serious harm.

Proposed order: Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the 2004 App. via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

(2) Dates/procedures. This case was filed on 9/5/23.

(a) Bar date: 12/1/23 (dkt. 24) (timely served, dkt. 26, 27)

(b) Procedures Order: dkt. 5 (timely served, dkt. 8)

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

Elite Investment Management Group, LLC

Chapter 11

(c) Plan/Disclosure Statement: file by 1/5/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 2/6/24 at 1:00 p.m. No written status report is required.

Tentative Ruling for 12/19/23:

Issue a limited adequate protection order ("APO") and continue the matters on calendar for today, all as set forth below. Appearances are not required on 12/19/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.").

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for relief from the automatic stay (dkt. 48, "R/S Motion") of ARCPE Holding, LLC ("Movant"), Stipulation & order (dkt. 55, 57) extending Debtor and Creditor's response deadlines, Debtor's opposition (dkt. 58) & evidentiary objections (dkt. 59), Late-filed opposition of 932 Irolo, LLC ("Co-Owner") (dkt. 60) & evidentiary objections (dkt. 61), Movant's reply (dkt. 74)

The tentative ruling is that, on the present record, one appropriate disposition would be to deny the R/S Motion (without prejudice), for the reasons stated below. This means that Movant would be free to file another motion if Debtor is not sufficiently diligent in its sale/reorganization efforts. This disposition would comply with the deadlines in 11 U.S.C. 362(e).

It appears more efficient, however, for this Court to continue the hearing and issue an APO that directs Debtor diligently to pursue its

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Elite Investment Management Group, LLC

Chapter 11

sale/reorganization efforts, failing which this Court could grant relief at any continued hearing without the need for Movant to file another motion. The tentative ruling is to adopt that approach, predicated on the presumption that Movant will be deemed to have waived the deadlines under section 362(e). If Movant will not waive those deadlines then it is directed to contest this tentative ruling.

(i) Late-filed papers

The tentative ruling is not to strike Co-Owner's late-filed papers because Movant has not alleged that it was prejudiced, let alone presented any evidence of prejudice, and Co-Owner's papers were short and mostly duplicative of Debtor's arguments. Notwithstanding the foregoing, Co-Owner is cautioned not to file untimely papers in future or this Court may disregard those papers or impose other adverse consequences.

(ii) Evidentiary Objections/Supplemental Broker's Price Opinion

The tentative ruling is to disregard the reply's additional information regarding the broker's expertise and analysis because that information should have been in the motion papers. But the tentative ruling is to overrule the evidentiary objections of Debtor and Co-Owner to the broker's original declaration because it includes (barely) enough information to establish the broker's expertise to opine about the value of the property, and this matter is not before a panel of jurors so there is little to no risk of prejudice from this Court considering the broker's price opinion for purposes of this motion.

To be clear, although the foregoing tentative ruling is that the original declaration and Broker's Price Opinion ("BPO") are admissible, the points raised by Debtor and Co-Owner are still relevant as to the *weight* of the BPO. That BPO has less weight than the combination of Debtor's valuation and the Debtor being actively engaged in marketing the property for sale and having represented that it already received an offer sufficient to pay Movant's claim in full. If this Court is persuaded in future to set an evidentiary hearing, then more evidence can be submitted by all parties in interest.

(iii) The record is sufficient for this Court to issue a ruling

The tentative ruling is also that an evidentiary hearing appears to be unnecessary at this time because it appears likely that the market will test the value of the property soon, and an evidentiary hearing will take time and money that would be better focused on other matters. The tentative ruling is that it is appropriate to decide the current issues on the papers because relief from stay matters are supposed to be summary proceedings. See, e.g., *In re*

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Elite Investment Management Group, LLC

Chapter 11

Robbins, 310 B.R. 626, 631 (9th Cir. BAP 2004) ("Stay relief hearings do not involve a full adjudication on the merits ...") (citation omitted).

(iv) Movant has not established sufficient "cause" to terminate the automatic stay

On the present record, the tentative ruling is that Debtor's evidence of value is slightly more persuasive than Movant's evidence, so Debtor has met its burden (11 U.S.C. 362(g)(2)) to show by a preponderance of evidence that there is equity in the property. True, Movant's accruing interest on its claim is a possible concern, as is market volatility and all the risks that normally apply to high end real estate developments in the Los Angeles area. In addition, it is true that an owner's self-interested opinion of value is not as reliable as the opinion of a licensed real estate appraiser; and the current alleged offer is only hearsay, without supporting documentation, and it might have all sorts of loopholes.

But the tentative ruling is still to give substantial weight to the Debtor's principal's opinion of value (which is admissible as the opinion of an owner of the property), and if this matter were to proceed to an evidentiary hearing the owner, in offering an opinion, could rely on hearsay and/or present non-hearsay evidence (e.g., the owner could bolster his opinion by relying in part on the listing price chosen by Debtor's real estate agent and, apparently, by the alleged purchase offer; or Debtor might have non-hearsay evidence of that purchase offer). Therefore, solely for purposes of this preliminary ruling under 11 U.S.C. 362(d), the tentative ruling is that the value is more likely to be closer to Debtor's opinion than Movant's BPO.

The tentative ruling is also that Movant has not established a lack of adequate protection. Although it is true that at \$21 million there is only an 8.3% equity cushion (dkt. 58, p. 9:7), the tentative ruling is that, regardless of the dollar amount of any equity cushion, or even if there were no equity cushion at all, Debtor's pending sale efforts provide adequate protection. Put differently, those sale efforts - and this Court's ability to provide relief if Debtor is not sufficiently diligent in those sale efforts (e.g., appointment of a trustee to sell the property) - provide at least as good protection as if Movant were to be granted relief from the automatic stay to pursue its own liquidation of the property. This Court takes judicial notice that foreclosure sales almost invariably generate substantially lower sale prices than a well marketed regular sale process, particularly when the ability to sell property free and clear of all liens and other interests (11 U.S.C. 363(f)) maximizes the sales

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Elite Investment Management Group, LLC

Chapter 11

price (and that statute would be inapplicable to any foreclosure sale).

In addition, Movant has not met its burden to show that the property is not necessary for an effective reorganization (within the meaning of 11 U.S.C. 362(d)(2)). Debtor has established a reasonable possibility that, within a reasonable time, it can obtain confirmation of a plan that relies on the property to maximize recoveries for creditors. As emphasized in the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov), a proposed plan can be addressed quickly in appropriate circumstances.

(v) Conclusion

Movant's concerns can be addressed by an APO that (x) requires Debtor to provide status reports regarding its sale efforts (and related issues, such as the issues under 11 U.S.C. 363(h)), and (y) provides a relatively short continuance so that all parties in interest can monitor Debtor's progress and, if Debtor is not diligently pursuing an appropriate disposition of the property, this Court can grant appropriate relief. The tentative ruling is to set a **continued hearing on 2/20/24 at 1:00 p.m.** with a **deadline of 2/12/24** for Debtor to file a status report describing all sale, refinance, and/or plan progress.

(2) Dates/procedures. This case was filed on 9/5/23.

(a) Bar date: 12/1/23 (dkt. 24) (timely served, dkt. 26, 27)

(b) Procedures Order: dkt. 5 (timely served, dkt. 8)

(c) Plan/Disclosure Statement: file by 1/5/24 (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.

(d) Continued status conference: 1/9/24 at 1:00 p.m. No written status report is required.

[PRIOR TENTATIVE RULING(S) OMITTED]

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Elite Investment Management

Represented By

John N Tedford IV

Zev Shechtman

Aaron E. DE Leest

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:22-15540 Emilio Ferrari

Chapter 11

#8.00 Cont'd status conference re: Post confirmation
fr. 12/19/23

Docket 114

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue as set forth below based on this Court's review of Debtor's latest status report (dkt. 117). Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has no issues to raise *sua sponte* at this time.

(2) Deadlines/dates

This case was filed on 10/11/22, and Debtor's plan was confirmed on 5/10/23 (dkt. 85). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 5/7/24 at 1:00 p.m., with a deadline of 4/23/24 to file a post-confirmation status report.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Emilio Ferrari

Represented By
Sheila Esmaili

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT... Emilio Ferrari

Chapter 11

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-13086 The Amadeus Trust under Declaration of Trust of Ja

Chapter 11

#9.00 Cont'd hrg re: U.S. Bank Trust, N.A., as trustee for LSF9 Master Participation Trust's Motion to Dismiss Chapter 11 Case, or in the alternative Motion to Appoint a Ch. 11 Trustee fr. 9/19/23, 10/3/23, 10/17/23, 10/31/23, 11/14/23, 12/19/23

Docket 51

***** VACATED *** REASON: Continued to 1/23/24 at 1:00 p.m. per stipulation (dkt. 141) and order thereon.**

Tentative Ruling:

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| Party Information |
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Debtor(s):

The Amadeus Trust under

Represented By
Jeffrey I Golden
Christopher A, Minier

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Christopher M McDermott

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-13086 The Amadeus Trust under Declaration of Trust of Ja

Chapter 11

#10.00 Cont'd hrg re: Motion of Debtor and Debtor-In-Possession for an Order Pursuant to 11 U.S.C. § 363(b)(1): (1) Approving the Debtor's Use and Lease of Its Real Property as a Short-Term Vacation Rental; and (2) Approving a Related Property Management Agreement for the Management and Lease of the Debtor's Real Property
fr. 9/12/23, 10/3/23, 10/17/23, 10/31/23, 12-19-23

Docket 39

Tentative Ruling:

Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 11, 1/9/24 at 1:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

The Amadeus Trust under

Represented By

Jeffrey I Golden

Christopher A, Minier

Movant(s):

The Amadeus Trust under

Represented By

Jeffrey I Golden

Christopher A, Minier

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

2:23-13086 The Amadeus Trust under Declaration of Trust of Ja

Chapter 11

#11.00 Cont'd Status Conference re: Chapter 11 Case
fr. 6/13/23, 8/8/23, 9/12/23, 10/3/23, 10/17/23,
10/31/23, 11/14/23, 12/19/23

Docket 1

Tentative Ruling:

Tentative Ruling for 1/9/24:

Continue all matters as set forth below. Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for approval to lease real property and approve property management contract (dkt. 39), Opposition of the Association of Apartment Owners of Wailea Beach Villas ("Owners Association") (dkt. 42, 43), Opposition of U.S. Bank Trust ("Bank") (dkt. 47), Debtor's reply (dkt. 59), Interim Order (dkt. 71), Notice of Debtor's request to to treat motion as application to employ (dkt. 80). 2d interim order (dkt. 98), Supp. Goldstein Decl. (dkt. 106), 3d, 4th & 5th Interim Orders (dkt. 109, 120, 135)

Grant further interim relief on the same terms set forth in the latest Interim Order (dkt. 135) and set a continued hearing to be concurrent with the continued status conference (see below).

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

1:00 PM

CONT...

The Amadeus Trust under Declaration of Trust of Ja

Chapter 11

days after the hearing date (per LBR 9021-1(b)(1)(B)).

(b) Motion to dismiss case of U.S. Bank Trust ("Bank") (dkt. 51, "MTD") & request for judicial notice (dkt. 52, "RJN"), Opposition of Debtor (dkt. 61), Response of the Association of Apartment Owners of Wailea Beach Villas ("Owners Association") (dkt. 62) & RJN (dkt. 63), Stipulation and Order re continuance (dkt. 64, 66), Reply of Bank (dkt. 81), Reply of Owners Association (dkt. 82), Stipulations/orders/notices continuing hearings (dkt. 86, 90, 102, 104, 114, 117, 125, 130)

Continued per the parties' stipulation (dkt. 141) and order thereon.

(2) Dates/procedures. This case was filed on 5/18/23.

(a) Bar date: 8/11/23 (dkt. 26) (timely served, dkt. 27)

(b) Procedures Order: dkt. 5 (timely served, dkt. 12)

(c) Plan/Disclosure Statement: TBD

(d) Continued status conference: 1/23/24 at 1:00 p.m., concurrent with other matters. No written status report required.

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

The Amadeus Trust under

Represented By

Jeffrey I Golden

Christopher A, Minier

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#1.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion
for Summary Judgment on Motion to Disallow Proof of
Claim No. 8-1 by Amicus Capital Group, LLC
fr. 11/15/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23

Docket 548

Tentative Ruling:

Revised Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 5,
1/9/24 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S)]

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| Party Information |
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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#2.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow Claim by Acosta & Associates LLC as Scheduled by Debtor fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23

Docket 301

Tentative Ruling:

Revised Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 5, 1/9/24 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#3.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow to Proof of Claim No. 8-1 for Amicus Capital Group, LLC for Lack of Supporting Documentation
fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22, 12/20/22, 6/13/23, 9/19/23, 10/31/23

Docket 299

Tentative Ruling:

Revised Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 5, 1/9/24 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S) OMITTED]

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| Party Information |
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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#4.00 Cont'd hrg re: Creditor Pravati Credit Fund III LP's Motion to Disallow to Proof of Claim No. 10-1 for Harold Wrobel for Lack of Supporting Documentation fr. 4/12/22, 5/31/22, 6/21/22, 7/8/22, 7/26/22, 8/23/22, 9/6/22 12/20/22, 6/13/23, 9/19/23, 10/31/23

Docket 300

Tentative Ruling:

Revised Tentative Ruling for 1/9/24:

Please see the tentative ruling for the status conference (Calendar No. 5, 1/9/24 at 2:00 p.m.).

[PRIOR TENTATIVE RULING(S)]

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| Party Information |
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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Movant(s):

Pravati Credit Fund III LP

Represented By
Aram Ordubegian
Annie Y Stoops
Michael W Brown
Dylan J Yamamoto

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

2:21-12517 Law Offices of Brian D. Witzer

Chapter 7

#5.00 Cont'd Status Conference re: Chapter 7 Case
fr. 3/31/21, 4/27/21, 5/11/21, 6/15/21, 6/29/21,
7/6/21, 07/20/21, 07/22/21, 8/17/21, 09/14/21,
9/22/21, 10/26/21, 11/16/21, 11/30/21, 1/18/22,
2/15/22, 2/24/22, 3/15/22, 3/29/22, 4/12/22,
5/10/22, 5/31/22, 6/14/22, 7/8/22, 7/26/22, 8/23/22,
9/6/22, 11/15/22, 12/20/22, 2/21/23, 4/25/23, 6/13/23,
7/19/23, 8/8/23, 9/19/23, 10/17/23, 11/14/23

Docket 1

Tentative Ruling:

Revised Tentative Ruling for 1/9/24:

Continue all matters on calendar for today, all as set forth below.
Appearances are not required on 1/9/24. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Motion for summary judgment by Creditor Pravati Credit Fund III LP ("Pravati") (dkt. 548, 549, 550), Opposition by Amicus Capital Group, LLC ("Amicus") (dkt. 557, 555), Reply (dkt. 558)

Continue to 4/9/24 at 2:00 p.m. per Pravati's status report (dkt. 764).

(b) Pravati's Motion to disallow Amicus' proof of claim ("POC") No. 8-1 in its entirety (dkt. 299), Response by Amicus (dkt. 342), Pravati's Omnibus Reply (dkt. 346, "Pravati's Omni. Reply")

Continue to 4/9/24 at 2:00 p.m. per Pravati's status report (dkt. 764).

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 9, 2024

Hearing Room 1545

2:00 PM

CONT... Law Offices of Brian D. Witzer

Chapter 7

(c) Pravati's Motion to disallow Acosta & Associates, LLC's ("Acosta") claim as scheduled by Debtor in its entirety (dkt. 301), Opposition by Acosta (dkt. 340), Pravati's Omni. Reply (dkt. 346), Omnibus Statement of Acosta (dkt. 429, "Acosta's Omni. Stmt.")

Continue to 4/9/24 at 2:00 p.m. per Pravati's status report (dkt. 764).

(d) Pravati's Motion to disallow Harold Wrobel's POC No. 10-1 in its entirety for lack of supporting documents (dkt. 300), Debtor's Omni. Reply (dkt. 343), Pravati's Omni. Reply (dkt. 346)

Continue to 4/9/24 at 2:00 p.m. per Pravati's status report (dkt. 764).

Proposed scheduling order re Pravati claim objections: Unless otherwise ordered, Pravati is directed to lodge a single proposed scheduling order covering all the foregoing matters via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)). (It is not necessary to attach a copy of this tentative ruling.) The scheduling order should be linked to the Bankruptcy Petition rather than to any one claim objection, because it relates to all claim objections, not just one.

(2) Dates/procedures. This case was filed on 3/29/21 and converted from chapter 11 to chapter 7 on 12/19/22 (dkt. 576).

(a) Continued status conference: 2/6/24 at 1:00 p.m. (**not 2:00 p.m.**), concurrent with other matters. No status report required.

[PRIOR TENTATIVE RULINGS OMITTED]

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| Party Information |
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Debtor(s):

Law Offices of Brian D. Witzer

Represented By
Michael S Kogan

Trustee(s):

Timothy Yoo (TR)

Represented By
Monica Y Kim